

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 -vs-

10 VINCENT ARNEL TRULSON,
11 Defendant.

NO. CR-07-2112-WFN-1

ORDER

12
13 A pretrial conference and motion hearing was held May 19, 2008. The Defendant, who
14 is not in custody, appeared telephonically with prior permission of the Court. Defendant was
15 represented by Kraig Gardner; Assistant United States Attorney Jane Kirk represented the
16 Government in the place of James Hagarty.

17 The Court addressed Defendant's Motion for Discovery (Ct. Rec. 73), Defendant's
18 Motion to Compel Grand Jury Transcripts (Ct. Rec. 75), Defendant's Motion to Dismiss (Ct.
19 Rec. 78), Defendant's Motion for Disclosure of Evidence Pursuant to Fed. R. Evid. 404 and
20 609 (Ct. Rec. 85), Government's Motion for Extension of Time to File Response/Reply (Ct.
21 Rec. 96), and Government's Motion to Continue (Ct. Rec. 98).

22 Defense counsel indicated that he is satisfied with the discovery disclosures but
23 requires additional time to review more recently released discovery. Defendant concurs with
24 the Government's Motion to Continue, but requested additional time due to the pending
25 Motion to Suppress and several evidentiary issues. Further, Defendant alerted the Court to
26 the fact that a related case pending in this district relates to this case.

1 The Court has reviewed the file and Motions and is fully informed. This Order is
2 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

3 **IT IS ORDERED** that:

4 1. Defendant's Motion for Discovery, filed April 25, 2008, **Ct. Rec. 73**, is **DENIED**
5 **AS MOOT**.

6 2. The Court **RESERVES RULING** on Defendant's Motion for Disclosure of 404(b)
7 and 609 Evidence, filed April 28, 2008, **Ct. Rec. 85**.

8 3. The Defendant's Request for the Transcripts of Grand Jury Testimony, filed
9 April 25, 2008, **Ct. Rec. 75**, is **GRANTED**. The Government shall prepare and disclose, two
10 weeks before trial, transcripts of the testimony of grand jury witnesses from **BOTH THIS**
11 **CASE AND CR-07-2111-RHW** who will be witnesses at trial pursuant to Rule 6(e)(3)(E)(i)
12 of the Federal Rules of Criminal Procedure.

13 4. The Government's Motion to Continue, filed May 6, 2008, **Ct. Rec. 98-1**, is
14 **GRANTED**.

15 The Court finds that the ends of justice served by the granting of a continuance of
16 the trial in this matter outweigh the best interests of the public and the Defendant in a speedy
17 trial. A trial date of May 27, 2008 would unreasonably deny adequate time to file appropriate
18 motions, review discovery and provide effective assistance of counsel, taking into account
19 the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(A).

20 5. The trial date of May 27, 2008, is **STRICKEN and RESET to September 15,**
21 **2008, at 1:00 p.m., in Yakima**, Washington.

22 6. All time from the trial date of May 27, 2008, to the new trial date of September 15,
23 2008, is **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(8)(A).
24 A waiver of speedy trial rights was signed by the Defendant.

25 7. The final pretrial conference of May 27, 2008, is **STRICKEN and RESET to**
26 **September 15, 2008, at 11:00 a.m., in Yakima**, Washington.

1 8. The Government's Motion to Expedite, filed May 6, 2008, **Ct. Rec. 100**, is
2 **GRANTED**. The underlying Motion to Continue Trial and Extend Time to File Response
3 (Ct. Rec. 98) was heard on an expedited basis.

4 9. Trial briefs, requested voir dire, witness and exhibit lists, and a set of proposed
5 **JOINT JURY INSTRUCTIONS** shall be filed and served on or before **September 2, 2008**.

6 Jury instructions should only address issues that are unique to this case, and shall
7 include instructions regarding the elements of each claim, any necessary definitions and a
8 proposed verdict form.

9 The Joint Proposed Jury Instructions shall include:

10 (a) The instructions on which the parties agree; and

11 (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed
12 version of an instruction upon which they do not agree). All jury instructions from the most
13 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by
14 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements
15 of LR 51.1(c).

16 Each party shall address any objections they have to instructions proposed by any
17 other party in a memorandum. The parties shall identify the specific portion of any proposed
18 instruction to which they object and shall elaborate the basis for the objection. Objections
19 asserting that an instruction sets forth an incorrect statement of law shall describe the legal
20 authority that supports this objection. Failure to file an objection and supporting argument
21 may be construed as consent to the adoption of an instruction proposed by another party.

22 10. The Government's Motions to Extend Time to File Response, filed May 2, 2008,
23 **Ct. Rec. 96**, and filed May 6, 2008 **Ct. Rec. 98-2**, are **GRANTED**.

24 (a) The Government's response to Defendant's Motion to Suppress (Ct. Rec. 81),
25 shall be filed and served no later than **June 30, 2008**.

26 (b) Defendant's reply shall be filed and served no later than **July 11, 2008**.

1 11. Defendant's Motion to Dismiss Case, filed April 25, 2008, **Ct. Rec. 78**, is **DENIED**
2 for the reasons stated at the hearing.

3 12. The Court **RESERVES RULING** on Defendant's Motion to Suppress Evidence,
4 filed April 25, 2008, **Ct. Rec. 81**.

5 13. An additional pretrial conference and motion hearing shall be held **July 30, 2008,**
6 **at 1:30 p.m., in Yakima,** Washington. The Court will hear argument and evidence on
7 Defendant's Motion to Suppress (Ct. Rec. 81), as well as any other motions filed.

8 (a) All additional motions, **including motions in limine**, shall be filed and served
9 no later than **July 11, 2008**.

10 (b) Responses shall be filed and served no later than **July 18, 2008**.

11 14. All time from the filing of Defendant's Motion to Compel Grand Jury Transcripts
12 on April 25, 2008, to the date of the hearing on May 19, 2008 is **EXCLUDED** for speedy trial
13 calculations pursuant to 18 U.S.C. § 3161(h)(1)(F).

14 15. The Government's Motion to Expedite, filed May 2, 2008, **Ct. Rec. 93**, is
15 **DENIED**.

16 The District Court Executive is directed to file this Order and provide copies to
17 counsel.

18 **DATED** this 20th day of May, 2008.

19
20 s/ Wm. Fremming Nielsen
21 WM. FREMMING NIELSEN
22 SENIOR UNITED STATES DISTRICT JUDGE
23
24
25
26

05-19